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U.S. COURT OF
FEDERAL CLAIMS

¹ The amended complaint does not state what injury the United States has caused her, and only addresses the actions of DPS and the district court.

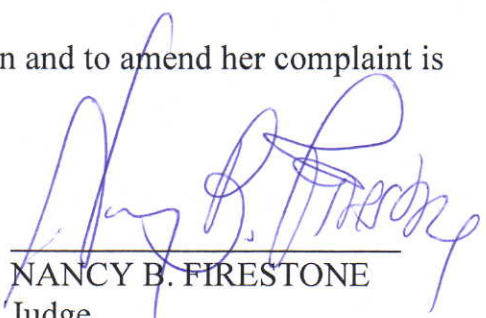
adjudicating Ms. Flander's complaint, which requested "relief" from the district court's ruling, would require this court to improperly review the decision of another federal court. See Smith v. United States, 36 F. App'x 444, 446 (Fed. Cir. 2002) (finding that the "Court of Federal Claims does not have jurisdiction to review the decisions of district courts" (citation omitted)). Second, the complaint named various Texas state agencies and officials, not the United States, as defendants. See Upshaw v. United States, 599 F. App'x 387, 388 (Fed. Cir. 2015) (finding this court "'does not have jurisdiction over claims against any party other than the United States.'" (quoting Trevino v. United States, 557 F. App'x. 995, 998 (Fed. Cir. 2014))).

Even under the most liberal construction of Ms. Flander's motion and purported amended complaint, Ms. Flander has failed to meet the standard for a motion for reconsideration or to amend her complaint. To prevail on a motion for reconsideration, a plaintiff must demonstrate "exceptional circumstances which justify relief based on a manifest error of law or mistake of fact." CANVS Corp. v. United States, 110 Fed. Cl. 19, 25 (2013) (quoting Henderson Cty. Drainage Dist. No. 3 v. United States, 55 Fed. Cl. 334, 337 (2003)). Accordingly, "[a] party, even a pro se party, cannot prevail on a motion for reconsideration by raising an issue that was litigated, or could have been litigated at the time the complaint was filed." Griffin v. United States, 96 Fed. Cl. 1, 9 (2010) (quoting Matthews v. United States, 73 Fed. Cl. 524, 525-26 (2006)).

Further, because the court would be required to dismiss Ms. Flander's purported amended complaint, her request to amend is futile. See Klamath Claims Comm. v. United States, 541 F. App'x 974, 979 (Fed. Cir. 2013) (finding denial of a post-dismissal motion to amend a complaint was proper when the amendment would have been futile). The amended complaint does not cure the issues that led the court to find it lacked jurisdiction over the original complaint. In addition, the amended complaint is not founded on a money-mandating statute or regulation. See Jan's Helicopter Serv., Inc. v. FAA, 525 F.3d 1299, 1308 (Fed. Cir. 2008). The Federal Circuit has found that the United States cannot be liable for damages under the civil provisions of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1961. Wolf v. United States, 127 F. App'x 499, 501 (Fed. Cir. 2005). Nor can alleged identity theft under 18 U.S.C. § 1028 form the basis of Ms. Flander's complaint. This court "'has no jurisdiction to adjudicate any claims whatsoever under the federal criminal code.'" Taylor v. United States, 616 F. App'x 423, 424 (Fed. Cir. 2015) (quoting Joshua v. United States, 17 F.3d 378, 379 (Fed. Cir. 1994)).

Accordingly, plaintiff's motion for reconsideration and to amend her complaint is **DENIED.**

IT IS SO ORDERED.


NANCY B. FIRESTONE
Judge